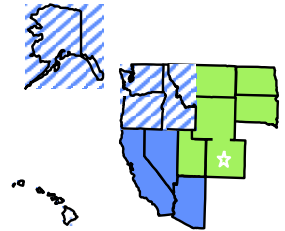




# US Army Environmental Center Western Regional Environmental Office REGION 10 – SEPTEMBER 2003 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 10 area: Alaska, Idaho, Oregon and Washington. We appreciate your feedback. Please contact the Western Regional Environmental Office, U.S. Custom House, 721 19<sup>th</sup> Street, Room 427, Denver, CO 80202-2500; phone (303) 844-0954, or fax (303) 844-0951.

## **WREO STAFF**

Gerald Owens  
Regional Chief/DoD REC Region 8  
(303) 844-0953  
[gowens@rma.army.mil](mailto:gowens@rma.army.mil)

Regional Counsel  
(303) 844-0955

Tim Blume  
Army REC Region 8  
(303) 844-0958  
[tblume@rma.army.mil](mailto:tblume@rma.army.mil)

Mark Mahoney  
Army REC Region 9  
(303) 844-0957  
[mmahoney@rma.army.mil](mailto:mmahoney@rma.army.mil)

Mike Flannery  
Army REC Region 10  
(including Hawaii & Pacific)  
(303) 844-0959  
[mflanner@rma.army.mil](mailto:mflanner@rma.army.mil)

Project Manager  
(303) 844-0952

Environmental Specialist  
(303) 844-0954

Administrative Assistant  
(303) 844-0950

## **Regional Environmental Coordinator (REC) Contacts**

DoD REC Region 10  
Clare Mendelsohn  
(415) 977-8849  
[Clare.Mendelsohn@brooks.af.mil](mailto:Clare.Mendelsohn@brooks.af.mil)

Army REC Region 10  
Mike Flannery  
(303) 844-0959  
[mflanner@rma.army.mil](mailto:mflanner@rma.army.mil)

Navy REC Region 10  
Hayden Street  
(360) 396-5089  
[hayden.street@subase.nsb.navy.mil](mailto:hayden.street@subase.nsb.navy.mil)

Air Force REC Region 10  
William Chin  
(415) 977-8847  
[William.Chin@brooks.af.mil](mailto:William.Chin@brooks.af.mil)

DLA REC Region 10  
James Phillips  
(616) 961-7322 (DSN 932 - 7322)  
[jphillips@drms.dla.mil](mailto:jphillips@drms.dla.mil)

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## **TABLE OF CONTENTS**

<b>Federal News &amp; Regulatory Developments</b>	2-4
<b>Conferences, Symposiums, &amp; Training</b>	5-8
<b>Alaska</b>	9
<b>Idaho</b>	10
<b>Oregon</b>	10-12
<b>Washington</b>	13



## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**PROPOSED RULE – ACCIDENTAL RELEASE PREVENTION REQUIREMENTS** – On 31 July 2003 (68 FR 45123), EPA proposed changes to the risk management plan (RMP) regulations mandated under the accidental release prevention provisions of the Clean Air Act. EPA proposed that facilities that have an accident meeting the criteria for the five-year accident history be required to update and re-submit their RMP within six months of the date of the accident. The five-year accident history element for the RMP (40 CFR 68.42) requires the owner or operator of a stationary source to record information in their RMP on all accidental releases from covered processes in the past five years that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage. This requirement includes the release of any chemical from a covered process, not just the release of a regulated substance. Comments are due by 15 September 2003. For further information, contact Vanessa Rodriguez, EPA at (202) 564-7913, or link: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-19281.htm>.

**NOTICE OF AVAILABILITY – DRAFT REGULATORY TEXT FOR PROPOSED RULE TO IMPLEMENT THE 8-HOUR OZONE NAAQS** – On 6 August 2003 (68 FR 46536), EPA released a draft regulatory text to accompany the proposed rule to implement the 8-hour ozone national ambient air quality standard (NAAQS) which was published on 2 June 2003 (68 FR 32802). If, after notice and comment, EPA adopts approaches other than those reflected by the draft regulatory text, the final regulatory text will incorporate the approaches adopted. Comments must be received by 5 September 2003. For further information, contact John Silvasi, EPA at (919) 541-5666 or e-mail: [silvasi.john@epa.gov](mailto:silvasi.john@epa.gov).

**NOTICE OF AVAILABILITY – DRAFT STAFF PAPER FOR PARTICULATE MATTER** – On 28 August 2003 (68 FR 51774), EPA released the draft document, "Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information. The purpose of the Staff Paper is to evaluate the policy implications of the key scientific and technical information contained in a related EPA document, "Air Quality Criteria for Particulate Matter," required by the Clean Air Act for use in the periodic review of the national ambient air quality standards for particulate matter. EPA also made available a related document, "Particulate Matter Health Risk Assessment for Selected Urban Areas." Comments on the draft documents are due by 28 October 2003. For further information, contact Mary Ross, EPA at (919) 541-5170.

#### WATER INFORMATION:

**PROPOSED RULE – LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE** – On 11 August 2003 (68 FR 47639), EPA proposed National Primary Drinking Water Regulations that require the use of treatment techniques, along with monitoring, reporting, and public notification requirements, for all public water systems that use surface water sources. The purposes of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) are to improve control of microbial pathogens in drinking water and to address risk trade-offs with the control of disinfection byproducts. The LT2ESWTR will build upon the treatment technique requirements of the Interim Enhanced Surface Water Treatment Rule and

the Long Term 1 Enhanced Surface Water Treatment Rule. Comments must be received by 10 November 2003. For further information, contact Daniel Schmelling, EPA at (202) 564-5281.

**PROPOSED RULE – STAGE 2 DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE** – On 18 August 2003 (68 FR 49547), EPA proposed maximum contaminant level (MCL) goals for chloroform, monochloroacetic acid and trichloroacetic acid; National Primary Drinking Water Regulations for total trihalomethanes and haloacetic acids; and revisions to the reduced monitoring requirements for bromate. The proposal specifies the best available technologies for the proposed MCLs. EPA also proposed additional analytical methods for the determination of disinfectants and disinfection byproducts (DBPs) in drinking water and proposed to extend approval of DBP methods for the determination of additional chemical contaminants. Comments must be received 17 November 2003. For further information, contact Tom Grubbs, EPA at (202) 564-5262.

**NOTICE OF AVAILABILITY – ARSENIC TECHNOLOGY EVALUATION HANDBOOK** – EPA has issued a document titled: “Arsenic Treatment Technology Evaluation Handbook for Small Systems.” The document is intended to help small drinking water systems make treatment decisions to comply with the revised arsenic rule. Major sections of the document include: 1) a discussion of arsenic mitigation strategies; 2) technology selection; 3) planning level treatment costs; 4) design considerations; and 5) point-of-use treatment options. The document is available at:  
[http://www.epa.gov/safewater/smallsys/arsenic\\_treatment\\_handbook\\_lo.pdf](http://www.epa.gov/safewater/smallsys/arsenic_treatment_handbook_lo.pdf).

**NOTICE OF AVAILABILITY – WATER QUALITY TRADING ASSESSMENT HANDBOOK** – EPA Region 10 has posted a “Water Quality Trading Assessment Handbook” online at: <http://www.epa.gov/r10earth> (go to Index and click on “T” for Trading). EPA policy encourages water quality trading as a way of focusing on cost-effective, local solutions to pollution problems. The handbook provides a guide through a structured assessment of trading opportunities and examines the environmental, economic and technical factors that influence the water quality trading market. For further information regarding the handbook, contact Claire Schary, EPA at (206) 553-8514. For general information on national trading activities, link: <http://www.epa.gov/owow/watershed/trading.htm>.

### GENERAL INFORMATION:

**NOTICE OF AVAILABILITY – INDOOR AIR QUALITY DESIGN TOOLS FOR SCHOOLS** – EPA has announced the launch of “Indoor Air Quality Design Tools for Schools.” This new web-based resource contains recommendations and tools to integrate good air quality practices into the design, construction, renovation, and operation of K-12 school facilities. For further information, contact Bob Axelrad, EPA at (202) 564-9315, or link: <http://www.epa.gov/iaq/schooldesign>.



### GENERAL INFORMATION

**FINAL RULE – HAZARDOUS MATERIALS TRANSPORTATION** – On 31 July 2003 (68 FR 44991), the Department of Transportation, Research and Special Programs Administration, revised the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. Compliance with the amendments is mandatory 1 October 2004. For further information, contact John McIntyre, DOT at (202) 366-8533, or link: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-19016.htm>.

**FINAL RULE – AMENDMENTS TO HAZARDOUS MATERIALS REGULATIONS** – On 14 August 2003 (68 FR 48562), RSPA amended the Hazardous Materials Regulations by incorporating miscellaneous changes based on petitions for rulemaking and RSPA initiatives. The intended effect of these regulatory changes is to update, clarify or provide relief from certain regulatory requirements. The amendments will be effective 1 October 2003. For further information, contact Gigi Corbin, RSPA at (202) 366-8553, or link: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-20508.htm>.

**PROPOSED RULE – DOD MUNITIONS RESPONSE SITE PRIORITIZATION PROTOCOL** – On 22 August 2003 (68 FR 50899), DoD proposed a rule that establishes the Munitions Response Site Prioritization Protocol. The purpose of the Protocol is to assign a relative priority for munitions responses to each location in the inventory of munitions response sites known or suspected of containing unexploded ordnance, discarded military munitions, or munitions constituents. The Protocol evaluates the following potential explosive safety and environmental hazards: 1) explosive hazards posed by unexploded ordnance and discarded military munitions; 2) hazards associated with the effects of chemical warfare materiel; and 3) chronic health and environmental hazards posed by munitions constituents or other chemical constituents. The Protocol has three hazard evaluation modules, each of which is specific to one type of hazard. Comments are due by 20 November 2003. For further information, contact the Office of the Deputy Under Secretary of Defense at (703) 695-6107.

**PROPOSED RULE – AIRBORNE EXPOSURE LIMITS FOR CHEMICAL WARFARE AGENTS** – On 22 July 2003 (68 FR 43356), the Centers for Disease Control and Prevention (CDC) proposed updates to the airborne exposure limits for chemical warfare Agents H, HD, and HT (Sulfur Mustard) recommended by CDC in 1988. The proposal is predicated on CDC's understanding of existing demilitarization safeguards and procedures. Rather than specify an eight-hour time-weighted average, CDC proposed to designate a five-minute ceiling level that reflects the extensive near-real-time monitoring systems associated with chemical demilitarization activities. Additionally, CDC proposed to recommend a 12-hour general population limit (GPL-12), applicable to both the general population and workers, to confirm that low-level exposure is not occurring. The time duration of the GPL-12 is consistent with the sampling period for existing air monitoring methods and the long work shifts in many demilitarization operations. CDC proposed that the 1988 worker population limit (WPL) of 0.003 mg/m<sup>3</sup>, currently an eight-hour time-weighted average (TWA), be a five-minute ceiling limit value; and the GPL of 0.0001 mg/m<sup>3</sup>, currently a 72-hour TWA, be a 12-hour TWA and adjusted to 0.00002 mg/m<sup>3</sup> to meet carcinogenicity protection levels below thresholds of significant risk. Comments are due by October 1, 2003. For further information, contact Paul Joe, CDC, at (770) 488-7091, e-mail: [pbj4@cdc.gov](mailto:pbj4@cdc.gov).

**PROPOSED RULE – HAZARDOUS MATERIALS SAFETY PERMITS** – On 19 August 2003 (68 FR 49737), the Federal Motor Carrier Safety Administration (FMCSA) proposed to establish a safety permit program to enhance safe and secure transportation of designated hazardous materials and motor carrier safety. Beginning in 2005, a motor carrier would need to hold a safety permit in order to transport these hazardous materials in interstate or intrastate commerce. FMCSA also proposes to consider additional "acute" and "critical" regulations relevant to its determination of a carrier's safety fitness rating and the issuance of a safety permit. FMCSA has decided to not prescribe a uniform permitting system (at the state level) for intrastate transportation of hazardous materials. Comments are due by 20 October 2003. For further information, contact James Simmons, FMCSA at (202) 493-0496.

**ARMY UPDATES EPCRA TRI INFORMATION** – The Army Environmental Center (AEC) has posted the latest information on the Army and DoD's Emergency Planning and Community Right to Know Act (EPCRA) Toxic Release Inventory (TRI) program. The site contains information on Army TRI reporting requirements and a link to DENIX with the latest DoD guidance. AEC will post any news or progress in the EPCRA program on the site, located on the AEC home page at: <http://aec.army.mil/usaec> (click on pollution prevention and scroll down to the EPCRA link).

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## **UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS**

### **ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) TRAINING**

**9-10 September 2003 – Las Vegas, Nevada**

**16-17 September 2003 – Anchorage, Alaska**

In conjunction with the Federal Network for Sustainability, EPA is sponsoring EMS training workshops for federal agencies. Attendance will be limited to 60 persons. For more information or to register, link:

<http://www.doi.gov/training/dlca.html>.

### **17<sup>th</sup> ANNUAL ACHMM NATIONAL CONFERENCE**

**14-17 September 2003 – Dallas, Texas**

The Academy of Certified Hazardous Materials Managers (ACHMM) is sponsoring this conference. This year's theme is: "The Challenging World of Hazardous Materials Management." The conference topics include: "Chemical and Biological Terrorism: Homeland Security and Current Events," "Management of an Anthrax Response through an EMS," and "Reflection on the Environment and National Policy." For more information or to register, link: <http://www.achmm.org/achmmnew/>.

### **HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE**

**23-25 September 2003 – Newport, Rhode Island**

**4-6 November 2003 – Portsmouth, New Hampshire**

**24-26 February 2004 – Jacksonville, Florida**

**20-22 April 2004 – San Antonio, Texas**

**20-22 July 2004 – Annapolis, Maryland**

This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.

### **"PARTNERS TO PROMOTE STEWARDSHIP" CONFERENCE**

**29 September – 2 October 2003 – Grand Teton National Park, Wyoming**

EPA, the National Park Service, the Peaks to Prairies Pollution Prevention Information Center and several states are sponsoring this conference, titled: "Sharing Common Ground: Partners to Promote Stewardship." This conference is for federal, state and local land managers, regulatory agencies, and non-profit and private sector organizations involved in public land use, and looking for ways to work cooperatively to sustain the wealth of environmental resources on public lands and the surrounding communities. For more information, link: <http://www.mesllc.net/conference>.

### **"AN ORGANIZATIONAL GUIDE TO POLLUTION PREVENTION" WORKSHOP**

**7-9 October 2003 – Boston, Massachusetts**

**4-6 November 2003 – Dallas, Texas**

**9-11 December 2003 – Philadelphia, Pennsylvania**

EPA is hosting this workshop to help organizations get P2 programs started or to reevaluate existing P2 programs. The guide presents an alternative method for working P2 projects and plans, and four approaches to implementing P2 and environmental planning within an organization. There is no registration fee for the workshop. For further information, visit the workshop website at:

[www.epa.gov/ttnrmrl/p2workshop.htm](http://www.epa.gov/ttnrmrl/p2workshop.htm).



**CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES****8-9 October 2003 – Las Vegas, Nevada****2-3 December 2003 – Richland, Washington****17-18 February 2004 – Idaho Falls, Idaho**

The Resource Training Institute (RTI) is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

**CERCLA ORIENTATION AND REMEDIAL INVESTIGATION/FEASIBILITY STUDY****14-16 October 2003 – Richland, Washington**

RTI is offering this course for personnel that have little or no experience in the basic background and implementation of CERCLA. Participants are provided with an in-depth review of the Remedial Investigation/Feasibility Study (RI/FS) process as it applies to environmental restoration programs. Following an overview of the CERCLA Process, the course focuses on the RI/FS process and addresses site characterization, risk assessment, and remedy selection issues. Attention is also given to public involvement in the cleanup process. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

**APPLIED CLEAN AIR ACT****21-23 October 2003 – Las Vegas, Nevada****16-18 December 2003 – Orlando, Florida**

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

**ENVIRONMENTAL LAWS AND REGULATIONS****21-23 October 2003 – Albuquerque, New Mexico****18-20 December 2003 – Richland, Washington**

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

**BROWNFIELDS 2003 CONFERENCE****27-29 October 2003 – Portland, Oregon**

EPA is sponsoring this conference on brownfields cleanup and reuse. The conference will include panel sessions, mobile workshops, "Marketplace of Ideas" roundtable discussions, and individual poster presentations. For further information, link: <http://www.epa.gov/brownfields>.

**INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS****27-29 October 2003 – Ft. Richardson, Alaska****3-5 November 2003 – Ft. Wainwright, Alaska****24-26 February 2004 – Seattle, Washington****27-29 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding,

and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, call (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

### **UXO BASIC TRAINING COURSE**

**28-29 October 2003 – Austin, Texas**

The Interstate Technology and Regulatory Council (ITRC) is co-sponsoring this course with EPA and the Texas Commission on Environmental Quality. This is an entry-level course designed to provide an overview of key environmental issues associated with ordnance and explosives cleanup. Participants will be introduced to basic terminology, munitions identification, safety concerns, regulatory requirements, conventional and innovative technology, site investigation, and site remediation. For more information or to register, contact Eileen O'Toole at (540) 557-6007, or link to the ITRC web site: <http://www.itrcweb.org>.

### **LOW-IMPACT DEVELOPMENT WORKSHOP**

**28-30 October 2003 – Fort Lewis, Washington**

The Army Environmental Center and Fort Lewis are sponsoring this free workshop, which will examine administrative and policy-related aspects of implementing low-impact development in construction, renovation, and landscaping projects. The workshop will involve engineers, planners, and environmental managers in a practical site assessment and design exercise. For more information, call (253) 967-2326. To register, call (253) 966-1795.

### **ENGAGING THE MEDIA WORKSHOPS**

**30-31 October 2003 – Ft. Richardson, Alaska**

**6-7 November 2003 – Ft. Wainwright, Alaska**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to provide participants with an understanding of the unique nature of the media, as well as hands-on practice of skills and tools to engage the media successfully. The workshop includes discussions on relating media communications to your strategic risk communication planning process, media culture, common traps, and the importance of non-verbal communication when dealing with the media. All participants will have the opportunity for on-camera practice and critique in a variety of situations, including non-crisis, crisis, "ambush," and panel interviews. For more information or to register, call (410) 436-8147, or link: <http://chppm-www.apgea.army.mil/>.

### **EMERGENCY PREPAREDNESS AND PREVENTION CONFERENCE**

**16-19 November 2003 – Norfolk, Virginia**

The theme of this EPA conference is "Stay the Course," and will emphasize the importance of continued diligence and focus on emergency planning and preparedness efforts. The conference will include workshops, general sessions, networking opportunities, and an exhibit hall. For more information or to register, link: <http://www.2003conference.org>.

### **NREP/INSTEP ANNUAL TECHNICAL CONFERENCE**

**17-21 November 2003 – Orlando, Florida**

The National Registry of Environmental Professionals and the International Society of Technical and Environmental Professionals are co-sponsoring this conference. The agenda includes certification preparatory workshops, technical papers, and special seminars for updating professional skills. For more information or to register, link: <http://www.nrep.org/conference/conference2.html>.

### **PARTNERS IN ENVIRONMENTAL TECHNOLOGY SYMPOSIUM**

**2-4 December 2003 – Washington, DC**

The Strategic Environmental Research and Development Program and the Environmental Security Certification Program are hosting this symposium and workshop with the theme: "Meeting DoD's Environmental Challenges." A major focus will be sustainability of military testing and training ranges. The symposium will offer 12 technical sessions that highlight proven technologies, as well as technologies needed to address emerging environmental challenges. For more information, link: <http://www.serdp.org/news/ESA4c.pdf>.

**CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT****5-8 January 2004 – New Orleans, Louisiana**

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. For more information, link: <http://www.battelle.org/rangecon>.

**ADVANCED RISK COMMUNICATION WORKSHOP****13-15 January 2004 – San Diego, California****2-5 August 2004 – Salt Lake City, Utah**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed below (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, call (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

**NATURAL RESOURCES COMPLIANCE****27-30 January 2004 – San Antonio, Texas****22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

**INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS****16-18 March 2004 – New Orleans, Louisiana****17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link: <https://www.cecos.navy.mil>.

[\[TOP OF SECTION\]](#)[\[TOP OF REVIEW\]](#)





## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



### ALASKA

#### WATER INFORMATION:

**FINAL REGULATION – ADOPTION OF EPA CRITERIA** - The Alaska Department of Environmental Conservation (DEC) has adopted EPA criteria changes for the following: (1) dissolved gases; (2) radioactivity; (3) total residual chlorine; and (4) toxic and other deleterious substances. DEC also put the criteria into a table for ease of use. The adoption was effective 22 June 2003. For more information, contact Nancy Sonafrank at (907) 451-5170, or link:

<http://www.state.ak.us/local/akpages/ENV.CONSERV/title18/proposed/70pubcm.pdf>.

**PROPOSED REGULATION – REVISIONS TO WATER AND WASTEWATER OPERATOR CERTIFICATION AND TRAINING, AND DRINKING WATER REGULATIONS**

– The Alaska DEC has proposed amendments to its Water and Wastewater Operator Certification and Training, and Drinking Water Regulations. The amendments will: (1) set installation standards for all public water systems that govern the installation of source wells to include source wells serving public water systems and ensure that public water system sources and aquifers are adequately protected from contamination; (2) include changes to make the owner responsible for procedural requirements for obtaining variances and exemptions for the federally-regulated public water systems; (3) institute new fees, and revise current fees; (4) revise the certified operator regulations to clarify that all Class A public water systems must have a certified operator; and (5) include other changes necessary to improve the regulations, including those changes that appear necessary after reviewing public comments. Comments are due by 16 September 2003. For more information, contact Karen Leis at (907) 269-3082.

#### Legislative Developments:

The 2003 legislative session began 21 January and ended 21 May. A summary of significant environmental legislation that was enacted and signed was included in the July Review. For more information on the legislative session, link <http://www.legis.state.ak.us/>.



## IDAHO

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### WASTE INFORMATION:

#### **PROPOSED RULE – AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT**

**PROGRAM REVISION** – On 1 August 2003 (68 FR 45192), EPA proposed to authorize Idaho's changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Idaho's application, and has preliminarily determined that these changes satisfy all requirements for final authorization. Comments must be received by 15 September 2003. For further information, contact Jeff Hunt, EPA at (206) 553-0256.

### Legislative Developments

The 2003 legislative session began 6 January and ended 3 May. A summary of the environmental bills that were enacted and signed was included in the June Review. For more information on the 2003 session, link <http://www2.state.id.us/legislat/>.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## OREGON

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### WATER INFORMATION:

**PROPOSED REGULATION – GROUNDWATER MITIGATION RULES** – The Oregon Department of Water Resources has proposed to modify its groundwater mitigation rules to: (1) allow for additional flexibility with regard to the use of time-limited instream transfers; (2) affirm that new ground water permits issued subject to the mitigation rules would not be subject to regulation under the Scenic Waterway Act; and (3) add an additional mitigation option for small water users. Comments are due by 8 September 2003. For more information, contact Adam Sussman at (503) 378-8455, ext. 297.

### Legislative Developments

The 2003 legislative session began 13 January. The Senate adjourned 26 August and the House adjourned 27 August. For more information on the legislative session, link <http://www.leg.state.or.us>.

**OREGON HB 2036 – SCRAP TIRES** - Establishes Waste Tire Recycling Board. Specifies membership and duties. Establishes waste tire recycling goals. Introduced 14 January 2003. Died upon adjournment 27 August. The sponsor is Representative Jeff Kropf (R).

**OREGON HB 2037 – SCRAP TIRES**- Establishes statewide recycling and recovery goal for waste tires. Modifies purposes for which Waste Tire Recycling Account may be used. Directs Environmental Quality Commission to increase per-ton fee if statewide goal for waste tires is not met. Introduced 14 January 2003. Died upon adjournment 27 August. The sponsor is Representative Jeff Kropf (R).

**OREGON HB 2204 – RECYCLING** - Revises intent of Legislative Assembly regarding State recycling programs. Authorizes Oregon Department of Administrative Services to contract as necessary for recycling of products collected for recycling by State government. Introduced 14 January 2003. Died upon adjournment 27 August. The sponsor is Governor Theodore Kulongoski (D).

**OREGON HB 2248 – UNDERGROUND STORAGE TANKS** - Imposes examination fee for licensing in professions involving liquid petroleum gas. Changes fees for liquid petroleum gas installation license. Increases fees for liquid petroleum gas dealer storage tank inspections and liquid petroleum gas container or receptacle installations or changes. Introduced 14 January 2003. Signed by Governor Theodore Kulongoski (D) 14 August. The sponsor is Governor Theodore Kulongoski (D).

**OREGON HB 2458 – ENDANGERED SPECIES** - Directs State Fish and Wildlife Commission to remove species from the State's list of threatened species or endangered species when species is removed from federal Endangered Species Act. Introduced 28 January 2003. Died upon adjournment 27 August. The sponsor is Representative Bob Jenson (D).

**OREGON HB 2466 – HAZARDOUS MATERIALS** - Changes basis by which employers pay hazardous substance fees under Community Right to Know and Protection Act. Specifies that employers required to return hazardous substance survey to State Fire Marshal pay annual fee. Allows local government to assess hazardous substance fee to fund hazardous substance planning activities. Introduced 28 January 2003. Died upon adjournment 27 August. The sponsor is Representative Tom Butler (R).

**OREGON HB 2468 – ENDANGERED SPECIES** - Prohibits State Fish and Wildlife Commission from listing threatened and endangered species that are listed under federal law. Introduced 28 January 2003. Died upon adjournment 27 August. The sponsor is Representative Bob Jenson (R).

**OREGON HB 2513 – WATER QUALITY** - Requires the Department of Agriculture to review the State water quality management plan and implement rules two years after adoption of such a plan and rules. The State must evaluate the effectiveness of the plan and determine whether operational difficulties exist. Introduced 5 February 2003. Died upon adjournment 27 August. The sponsor is Representative Jeff Kruse (R).

**OREGON HB 2533 – HAZARDOUS MATERIALS** - Exempts persons not required to file toxics use reduction and hazardous waste reduction plans from payment of fee for possession of hazardous substances. Introduced 3 February 2003. Passed House 31 March. Passed Senate 18 April. Signed by Governor 25 May. The sponsor is Representative Thomas Butler (R).

**OREGON HB 2644 – HAZARDOUS WASTE** - Extends temporary schedule for monthly hazardous waste management fees to 1 January 2006. Introduced 13 February 2003. Passed House 27 June. Passed Senate 10 July. Signed by Governor 24 July. The sponsor is the House Committee on Environment and Land Use.

**OREGON HB 2820 – LAND USE** - Requires Land Conservation and Development Commission, Department of Land Conservation and Development, State agency or local government, when applying land use planning goal relating to protection of natural resources and conservation of scenic, historic and open space resources, to assess and consider any economic impact on lots, parcels or tracts to which goal applies. Introduced 5 March 2003. Died upon adjournment 27 August. The sponsor is Representative Derrick Kitts (R).

**OREGON HB 2947 – AIR EMISSIONS** - Creates offense of unlawfully idling motor vehicle engine. Punishes by fine of \$150. Directs Environmental Quality Commission to establish and implement heavy-duty diesel vehicle testing program. Introduced 5 March 2003. Died upon adjournment 27 August. The sponsor is Representative Steve March (D).

**OREGON HB 2971 – ELECTRONIC WASTE** - Prohibits disposal of cathode ray tubes at solid waste disposal sites. Directs the Environmental Quality Commission to develop a program that encourages

recycling of cathode ray tubes. Requires registration of an object that contains a cathode ray tube and payment of a fee at time of purchase of object. Introduced 6 March 2003. Died upon adjournment 27 August. The sponsor is Representative Prozanski (D).

**OREGON HB 2977 – WATER USE** - Requires all water users to measure amounts of water withdrawn or stored. Allows Water Resources Commission to require water users to report water use measurements. Introduced 6 March 2003. Died upon adjournment 27 August. The sponsor is Representative Jackie Dingfelder (D).

**OREGON HB 3438 – WATER QUALITY** - Requires that fee schedule established by Environmental Quality Commission for permits to discharge pollutants into waters of State recover total cost of administering permit program. Directs Department of Environmental Quality (DEQ) to study methods of creating financial incentives within permit program to improve environmental performance and compliance. Introduced 20 March 2003. Died upon adjournment 27 August. The sponsor is Representative Mary Nolan (D).

**OREGON HB 3443 – WATER QUALITY** - Specifies that fee schedule for permits for disposal of wastes into waters of State must recover all costs of administering permit program. Introduced 20 March 2003. Died upon adjournment 27 August. The sponsor is Representative Jackie Dingfelder (D).

**OREGON HB 3563 – ELECTRONIC WASTE** - Directs the Environmental Quality Commission to develop environmentally sustainable program for disposal of electronic products. Imposes \$3 fee at point of sale of electronic products. Introduced 19 March 2003. Died upon adjournment 27 August. The sponsor is Representative Billy Dalto (R).

**OREGON SB 196 – HAZARDOUS WASTE** - Establishes Hazardous Waste Technical Assistance Fund. Requires that certain penalties collected by DEQ be deposited into fund. Directs fund to be used for technical assistance and information program. Requires generators of hazardous waste to pay one-time processing fee for obtaining EPA identification number. Sets annual fee for hazardous waste generators based on metric tons of waste generated. Introduced 15 January 2003. Passed Senate 29 July. Passed House 5 August. Signed by Governor 14 August. The sponsor is Senator Peter Courtney (D).

**OREGON SB 633 – MERCURY** - Establishes State policy against discharge of mercury, dioxins, lead, polychlorinated biphenyls and certain carcinogens into waters of or on ground in Willamette Basin. Introduced 24 February 2003. Died upon adjournment 26 August. The sponsor is Senator William Morrisette (D).

**OREGON SB 645 – WETLANDS** - Defines isolated wetlands and marginal wetlands for regulation of removal and filling of material. Allows removal and filling of material in certain isolated and marginal wetlands and in wetlands of less than one acre in size without permit. Allows city with population of 50,000 or fewer persons to develop approval or denial procedures for development permits, building permits or actions that affect marginal and isolated wetlands. Introduced 24 February 2003. Died upon adjournment 26 August. The sponsor is Senator Ted Ferrioli (R).

**OREGON SB 867 – ELECTRONIC WASTE** - Creates Advisory Committee on Electronic Products Stewardship. Directs Committee to work with DEQ to develop rules for economically sustainable electronic products recycling or disposal. Introduced 12 March. Passed Senate 8 August. Passed House 13 August. Signed by Governor 22 August. The sponsor is the Rules Committee.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



## WASHINGTON

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### AIR INFORMATION:

#### **FINAL REGULATION – NORTHWEST AUTHORITY ADOPTION OF FEDERAL PERMITTING REGULATIONS**

The Northwest Air Pollution Authority has updated its permitting program. The updates will: (1) adopt the most recent federal NSPS and NESHAPs; (2) increase the maximum daily fee; (3) clarify applicability of appeals from orders and notices; (4) clarify registration and new source review fee applicability and update fee schedules; and (5) add additional fees for fire training permits. The revisions were effective 16 August 2003. For more information, contact Dan Mahar at (360) 428-1617, ext. 203, or link: <http://slc.leg.wa.gov/wsr/2003/15/03-15-072.htm>.

#### **PROPOSED REGULATION – SOUTHWEST AGENCY AIR EMISSION TESTING AND MONITORING**

The Southwest Clean Air Agency has proposed amendments to provide definitions for commonly used words or phrases in the air emission testing and monitoring regulations. Comments are due by 23 September 2003. For more information, contact Wess Safford at (360) 574-3058, ext. 26, or link: <http://slc.leg.wa.gov/wsr/2003/15/03-15-098.htm>.

### WATER INFORMATION:

**FINAL REGULATION – DRINKING WATER SYSTEM FEES** – The Washington Department of Health has adopted a regulation that increases the drinking water system fees to cover program costs. The increases are within the 3.29% fiscal growth factor for 2003. The fee increases will affect: (1) system evaluation and project review and approval fees; and (2) water works certification fees. The regulation was effective 11 July 2003. For more information, contact Theresa Phillips at (360) 236-3147, or link: <http://slc.leg.wa.gov/wsr/2003/08/03-08-036.htm>.

#### **FINAL GUIDANCE – WESTERN WASHINGTON STORMWATER MANUAL POLICY STATEMENT**

The Washington Department of Ecology (DOE) has published its "clarified" policy for use of its Stormwater Management Manual in Western Washington. The policy clarifies that the manual has no independent regulatory authority. It is offered as a source of sound stormwater management practices that are "presumed" to protect water quality and satisfy the State AKART (all known, available and reasonable methods of prevention, control and treatment) requirement. All project proponents have the option of not following the stormwater management practices in the Manual or other technical guidance documents approved by DEC; the project then may be required to individually "demonstrate" that it will not adversely impact water quality and show that the alternative approach satisfies State and federal water quality laws. The policy can be found at: <http://www.ecy.wa.gov/laws-rules/misc/wsr0315091.pdf>.

### Legislative Developments

The 2003 legislative session began 14 January and ended 27 April. A summary of significant environmental bills that were enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.leg.wa.gov/wsladm>.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)